

**TOWN OF DIGHTON
BOARD OF SELECTMEN/HEALTH
MAY 20, 2013**

THE FOLLOWING MEETING WAS NOT AUDIO TAPED NOR VIDEO RECORDED.

The Board of Selectmen met with the Dighton sewer commission and representatives of the Bristol County Agricultural High School in the sewer commission office in the basement of the Dighton town office building at 7:30 p.m. on the evening of Monday 20 May 2013. Sewer commission Chairman William Mendoza presided, and declared a recess until the arrival of Sewer Commissioner Gregory Olsen at 7:42 p.m. Present were Selectmen Dean Cronin, Chairman, Thomas Pires, and Patrick Menges, Sewer commissioners in addition to Chairman Mendoza, Paul Joly, Gregory Olsen, Superintendent Harold Gracia and Secretary Dianne Curtis, and Bristol County Agricultural School Trustee Arthur Lopes, and acting Superintendent Stephen Dempsey.

Selectman Pires distributed to the participants in the meeting copies of a listing of easement properties for the Berkley Dighton bridge project, all but one of which had been donated to the Town of Dighton without charge, or for only \$1.00 each, except an easement granted by William Ursini for \$5,000.00. Mr. Pires explained as background for a request by the Selectmen that the \$85,000.00 turnover fee for the Bristol County Agricultural High School's turnover to the Dighton Sewer Department's enterprise system of the pump station for its new Center Street public sewer installation, be waived, that the Agricultural School had donated tens of thousands of dollars worth of easements for the Berkley Dighton bridge project. He also explained, that the school had paid for new sidewalks on Center Street, and for the paving of Center Street from the driveway of the school west to Rte. 138. The total value of the school's contributions to the Berkley Dighton bridge and Center Street reconstruction projects exceeded \$100,000.00. Selectman Dean Cronin stated "what we're looking for here is a little professional courtesy," adding that in return for what the Bristol County Agricultural High School has done for the Town of Dighton, there should be some accommodation in the pump station turnover charge. Selectman Patrick Menges stated that the turnover charge being assessed to the Agricultural High School for the anticipated turnover of its pump station in August was based upon an interpretation of the Sewer Department's regulation under which the Agricultural High School's new public sewer service would be treated as the new public sewer service of a for profit subdivision development. He stated that a public high school supported by tax revenue and serving the children of Dighton as well as children from throughout Bristol County, was not a for profit subdivision development, but rather should be treated uniquely as a public school. Selectman Menges stated that by so doing, the Sewer Commission would not be creating a precedent that would make its future dealings with developers difficult, because of the uniqueness of the Bristol County Agricultural High School's case. He urged the Sewer Commission to apply prudent good judgment, to its charge to the Agricultural High School for the turnover of its pump station, especially in view of the contributions to the Dighton Berkley bridge project and Center Street reconstruction made by the school.

Sewer Commissioner Gregory Olsen stated that he did not disagree with what had been said concerning the value of the Agricultural School's contribution to the town. He asked however, did the Selectmen think that the enterprise system should bear the burden of reciprocating on behalf of the town? Selectman Menges stated, that because of the school's generosity, the Sewer Commission should look in detail at the actual cost of the pump station turnover, and charge the Agricultural School only what was absolutely necessary for the turnover, not a boiler plate standard fee from the fee table in the regulations, and, he said that he had spoken to Commissioner Olsen about possibly extending the term of payment over a period perhaps as long as twenty years, which would make annual payments less burdensome than a lump sum. Commissioner Olsen nodded that they had indeed discussed this.

Commissioner Olsen asked "You do understand that we have to charge something for the cost of operating the pump station?" (During the foregoing discussion, it was mentioned that residents of Center Street could not tie in to the system until the turnover in August of the system by the Agricultural School to the enterprise system. It was mentioned at some point that residents concerned had attended a meeting of the Agricultural School Trustees last Monday night. The question arose, how many residents concerned had attended? Selectman Menges said three, but, when pressed, could remember only Mrs. Couture and Mr. Doherty, being only two; it was mentioned however that the Agricultural School's director's house being a school building, has already been tied in to the system. The house immediately east of the director's house, belonging to Mr. Ursini, should not have been, and probably has not been. Selectman Menges said he did not know the total number of houses on east Center Street that are waiting to tie in to the Agricultural School sewer line when it is turned over to the enterprise system. It was mentioned by someone present, that not all of the residents wish to avail themselves of public sewers.)

For the Board of Trustees of the Agricultural School, Arthur Lopes stated that the school had been surprised by the \$85,000.00 charge. Mr. Olsen said, that at the first meeting at which the late Superintendent Krista Paynton had represented the school in discussions about the sewer line with the Sewer Commission, the eventual turnover fee for the sewer pump station had been mentioned. Mr. Lopes stated that he was not going to conjecture about that, Mrs. Paynton now being deceased. Commissioner Joly stated that he felt that there had been missed communications. Much communication between the Sewer Commission and the Agricultural School Trustees had been conducted incompletely, and by writing where they were not supposed to go. Mr. Dempsey seemed to take exception to Mr. Joly's intimation.

The subject was then raised, that Agricultural School students had begun to plant shrubbery around the pump station but that the parties were still waiting for the Dighton Sewer Commission Attorneys Marguerite Field and Mr. Soares for Bristol County, to exchange a metes and bounds description of the actual site of the pump station for turnover in August. Selectman Menges said, that with the new bridge being constructed and a sewer line being installed, and road work being done every day, there were enough Civil Engineers running around with transits down there so that we should be able to put the touch on somebody to shoot a few beams and write a usable metes and bounds description of the site of the pump

station. It was agreed that the lawyers would be contacted to get this accomplished. During the discussion, it was also noted by Sewer Superintendent Gracia, that the Sewer Department did not yet have the engineered plans showing the exact location of the Bristol County Agricultural High School's new public service layout. Trustee Lopes agreed that the Dighton Sewer Department needed those plans, and said that he would see to it that they were turned over.

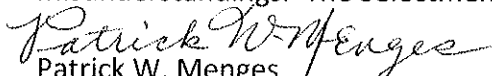
Selectman Pires stated that the school children of Bristol County Agricultural High School had been saving the town considerable money, by doing as educational projects, the on ground and riparian locating work, for the Town of Dighton's stormwater law compliance. Selectman Menges stated that if the Sewer Commission after studying the actual cost of the pump station to the enterprise system after August, could not see its way clear to substantially reduce its turnover charge to the Bristol County Agricultural High School, then, it should extend the payment of the fee over as long a term of years as possible, and the Board of Selectmen would have to consider asking the town to appropriate money annually to pay the county's turnover charge. "This Board is determined that Bristol County should not pay for the pump station turnover based upon what the Agricultural School has done for the town," Mr. Menges said. Commissioner Olsen expressed a sense of irony in the suggestion that the town pay its own enterprise system for the county's pump station. He suggested an alternative approach by which the same end could possibly be achieved. He stated that the Sewer Commission now has the detailed figures for gas and electricity for costs needed to operate the pump station, and to make a study and extend out the figures, so that the turnover charge could be based upon actual numbers, rather than the boiler plate fee in the table. Mr. Dempsey said that it was his understanding that the fee was based upon the Town of Raynham's charge to a private developer. Trustee Lopes corrected Mr. Dempsey. He stated that the Town of Dighton had adopted the turnover fee for a sewer pump station that the Town of Raynham used for its developments. He said, you have to understand that the Town of Raynham is 95% sewerred, and they have a lot of developments. Mr. Lopes also said among his remarks, that the Agricultural School has a summer season during which it produces less sewage. Chariman Mendoza stated that that can be bad for the pump.

Commissioner Olsen said that that at the time that the Agricultural School had sought to tie in to the public sewer system, school officials were told, that the school could have sewer metering/billing based upon 80% of its public water use, or could have a sewage meter to meet a 100% of its effluent. The school had chosen to have 100% of its effluent metered. Mr. Dempsey explained that much of the water that the school uses, irrigates fields, and that therefore the sewer bill should not be tied to the school's public water use.

Selectman Pires asked the Board of Selectmen if they would like to take a vote tonight to endorse town payment of the part, if any, of the pump station turnover fee that the Sewer Commission does not waive, for the Agricultural School. Selectman Menges said, "We could, it's on the agenda, so we could act on it." However, in the end, no such formal action was taken. Selectman Menges said "Before we go any further, I want to make one point." Speaking to Superintendent Gracia, Selectman Menges said "You have the key to the pump station now,

is that correct?" Superintendent Gracia said "Yes." Selectman Menges said, "We need immediately while the school still has the vendor's and manufacturer's warranties, to get them in there to recalibrate that meter. And if they don't respond when you call them, we need to kick their butts. That meter needs to be re-calibrated." Superintendent Gracia stated, "Patrick, they'll be in there tomorrow."

The meeting of the Sewer Commissioners continued after the withdrawal of the Selectmen and the Agricultural School Trustees, a consensus having been achieved that the Sewer Commission would take the matter of possibly adjusting the Agricultural School pump station turnover fee under advisement, that another face to face meeting would be most conducive to an understanding when the Sewer Commission had reached its conclusion, and that cc'ing future written communications concerning this matter to all parties would prevent misunderstandings. The Selectmen's withdrawal had the effect of an adjournment at 8:20 p.m.


Patrick W. Menges
Clerk of the Board of Selectmen



<u>Parcel No.</u>	<u>Owner</u>	<u>Description of Taking</u>	<u>Award</u>
1-T	County of Bristol a body politic	Book 678, Pages 454-455 Fee simple absolute taking area 3,139 sq. ft.	\$1.00
2-T	Owner unknown	Fee simple absolute taking area 2,557 sq. ft.	\$-0-
3-T	Owner unknown	Fee simple absolute taking area of 316 sq. ft.	\$-0-
8-T	County of Bristol a body politic	Book 678, Page 454-455. Fee simple absolute taking area taken 5,567 sq. ft.	\$1.00
9-T	County of Bristol a body politic	Book 620, Page 462-463. Fee simple absolute taking area 762 sq. ft.	\$1.00
TE-1	County of Bristol a body politic	Book 620, Page 462-463. Temporary easement area 5,553 sq. ft. for a term of 5 years.	\$-0-
TE-2	Michael R. Ursini	Book 8535, Page 342. Temporary easement area 4,046 sq. ft. term of 5 years.	\$5,000.00
TE-3	Town of Dighton	Book 2068, Page 140. Temporary easement area 7,777 sq. ft. term of 5 years.	\$-0-
TE-4	Unknown	Fee simple absolute taking of 14,242 sq. ft. as shown on the plans.	\$-0-
TE-5	County of Bristol a body politic	Book 678, Page 454-455. Temporary easement area 13,063 sq. ft. for a term of 5 years.	\$-0-
TRB-1	County of Bristol a body politic	Book 678, Page 454-455. Temporary easement area 20,849 sq. ft. for a term of 5 years.	\$-0-